

**IN THE UNITED STATES OF APPEALS
ELEVENTH CIRCUIT
IN ATLANTA, GEORGIA**

2007 SEP 12 A 9:49

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Lead Case

GENE COGGINS Pro st
1436 COUNTY ROAD #299
LANETTT, AL 36863
(334) 576 - 3263
Plaintiff

07cv 402-MEF

APPEAL NO. _____

**MOTION TO APPEAL TO THE APPEALS COURT IN
ATLANTA, GEORGIA**

GUARANTEED CONSTITUTIONAL RIGHTS AND THE ESTABLISHED DUE
PROCESS OF LAW, THAT HAS BEEN DENIED IN THE FOLLOWING CASES.

COMES NOW THE PLAINTIFF WITH CASES I HAVE IN THIS DISTRICT COURT
FOR THE MIDDLE DISTRICT, EASTERN DIVISION, IN MONTGOMERY, ALABAMA.
WITH THIS RIGHT TO APPEAL ANY IMPROPER OR ILLEGAL USE OF THE RULES OF
LAW, THAT DENY ME OR PLACES ANY FORM OF RESTRICTIONS ON ANY OF MY
GUARANTEED CONSTITUTIONAL RIGHTS AS AN AMERICAN CITIZEN.

1. RULE 28 HAS BEEN IMPROPER, AND ILLEGAL USED IN THE FOLLOWING;
 - A. 3:06 - CV-1112 MEF, 07-12593-1 GIVING 28 U.S.C. s/s 1915 (E) (2) (B) (I)

(ii) (iii), 07 - 00525- CV-W-E, 3:07 - CV - 00406 - MEF, 3:07 - CV - 00402 - MEF, 3:07 - CV-698 - MEF, DENIED BECAUSE THE JUDGE BELIEVES THAT THIS CASE IS FRIVOLOUS, AND DON'T HAVE A CHANCE TO SUCCEED THIS CREATES AN ILLEGAL USAGE OF THIS RULE, DENYING EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN COURT, A SPEEDY TRIAL BY A JURY OF THEIR PEERS, DESTROYED THE DUE PROCESS OF LAW THIS MUST GO ALL THE WAY TO THE UNITED STATES SUPREME COURT AND PLACE RESTRICTIONS ON IT'S USAGE, OR REWRITE THE CONSTITUTION OF THE UNITED STATES, SO THE JUDGES CAN DETERMINE, WHO CAN HAVE THEIR DAY IN COURT. THE JUSTICE SYSTEM WAS NOT SET -UP TO OPERATE IN THIS MANNER, THE PHRASE "EQUAL JUSTICE TO ALL", DOES NOT EXIST IN THIS TYPE OF COURT PROCESS .

B. THE GUARANTEED RIGHT TO APPEAR IN FORMA PAUPERIS AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES DUE PROCESS OF LAW INDEPENDENTLY ALLOWABLE, WITHOUT ANY PAYMENT OF FEES, COST OR GIVING ANY SECURITY, INCIDENT TO SUCH PROSECUTION, OR COURT HEARING. FEDERAL RULE APP. P. 24..

C. THE UNITED STATES CONSTITUTION SET UP DISTRICTS COURTS FOR LOCAL CASES TO BE HEARD IN THE PROPER JURISDICTION AND FEDERAL DISTRICTS COURTS FOR TRIALS INVOLVING CONSTITUTIONAL RIGHTS AND FEDERAL QUESTIONS AS GIVEN IN RULE 28 U. S. C. A. 81 s/s et seq. WITH ANY CONSTITUTIONAL QUESTION CAN BE APPEALED AT ANY TIME DURING THE PROCEEDINGS OF A CASE ALL THE WAY TO THE UNITED STATES SUPREME

COURT.

D. WHEN ANY RULE OF LAW IS COVERED IN THE GUARANTEED DUE PROCESS, AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES, COVERING THE RIGHT FOR EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN COURT, WHERE THIS CONCEPT OF THE DUE PROCESS OF LAW, IS EMBODIED IN THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND HAS PRESTIGE OVER ANY OTHER RULES OF LAW, COURT ORDERS, OR JUDGES, THAT ATTEMPT FOR THIS NOT TO BE INCLUDED IN ANY COURT ACTION. U.S. V: Smith D. C. Iowa, 249, app. Supp. 515, 516..

E. THE 7TH AMENDMENT OF THE UNITED STATES CONSTITUTION REQUIRES A TRIAL BY AN IMPARTIAL JURY, ON EITHER CIVIL OR CRIMINAL CASES AND ALL ISSUES BETWEEN THE PARTIES MUST BE SETTLED, WEATHER THEY BE ISSUES OF LAW OR FACTS, WITH NO FORM OF RESTRAINTS OR COST ADDED ON.

F. JUDGE MARK E. FULLER PLAYED THE ROLL OF DEFENDANTS ATTORNEY AND JUDGE IN THE ABOVE CASES. HE REFUSED TO ACCEPT THE ORIGINAL SUMMONS AND COMPLAINT, TO THE PROPER DEFENDANTS, AS SENT BY CERTIFIED MAIL, WITH RECEIPT RETURNED TO THE CLERK OF THE COURT. REFUSED THE DEFAULT AND DEFAULT JUDGMENT FILED AFTER NO ANSWER WAS RECEIVED FROM DEFENDANTS, HAS TRIED TO ADD DEFENDANTS TO CASES, WITHOUT THEM BEING SERVED WITH A COPY OF THE COMPLAINT AND SUMMONS, REFUSED TO ACCEPT THE DEFENDANTS AS LISTED IN THE ORIGINAL COMPLAINT, TRIED EVERY THING POSSIBLE TO CREATE IMMUNITY FOR

CERTAIN ONES, BY NOT ACCEPTING THE 11th AMENDMENT OF THE UNITED STATES CONSTITUTION AS THE DOMINATE LAW, THAT GIVES EVERY CITIZEN ON THIS STATE THE RIGHT TO SUE AND BE SUED BY OTHER CITIZENS OF THIS STATES,

G. WHEN PUBLIC OFFICIAL TAKE AN OATH OF OFFICE,, THEY ARE REQUIRED TO ABIDE BY THE FEDERAL LAWS AND AMENDMENTS AS SO GIVEN IN THE UNITED STATES CONSTITUTION, OR THEY HAVE COMMITTED A FELONY AND PERJURY. THE PAPER TRAIL LEFT BEHIND IN CASES THAT I HAVE BEEN INVOLVED WITH, LEAVES NO DOUBT THAT ALL HAVE NOT ABIDED BY THIS OATH. OF OFFICE. THE OATH OF OFFICE BINDS THAT PARTY WHEN THEY ASSUME, OR CHARGED WITH THAT OFFICE, HEREBY DECLARING THAT THEY WILL FAITH FULLY AND TRUTHFULLY DISCHARGE THE DUTIES OF THAT OFFICE AND UP-HOLD ALL THE LAWS EQUALLY, AS SO GIVEN IN THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND STATUES THAT MAY APPLY TO THAT PARTICULAR CASE.. ART. VI, U.S. CONSTITUTION, THAT THIS ATTESTATION OR PROMISE IS UNDER A IMMEDIATE SENSE OF RESPONSIBILITY TO GOD, WHERE ONE WILLFULLY ASSERTING UNTRUE STATEMENTS ARE PUNISHABLE FOR PERJURY AND ALSO GUILTY OF A FELONY. BY BREAKING THIS OATH OF OFFICE.

H. ANY ACTION FILED IN COURT IS NOT MERELY TO COMMENCE OF BUT MUST FOLLOW IT TO AN ULTIMATE CONCLUSION, BEFORE A TRIBUNAL, FOR THE PURPOSE OF DETERMINING THE GUILTY OR INNOCENCE OF THE PERSON THAT IS

CHARGED WITH THE CRIME.. U.S. V: Reisinger 128, U.S. 396, 9, S. CT. 99, 32, L.E.D. 480..

I. THEREFORE, UNDER THE 11th AMENDMENT OF THE UNITED STATES CONSTITUTION, THAT IS THE PREVAILING AND DOMINANT LAW. IN ANY CASE, NO ONE IS EXEMPT FROM PROSECUTION, AS LONG AS THEY LIVE IN THE SAME STATE. NO STATE. JUDGE OR COURT CAN CHANGE THIS, OR CREATE ANY EXCUSE T O PREVENT THESE CASE FROM BEING HEARD IN COURT WITH A JUST SETTLEMENT.

J. AFTER I FILED A SUITE AGAINST JUDGE MARK E. FULLER, HAD HIM SERVED WITH A SUMMONS AND COMPLAINT, HE CONTINUES TO ISSUE ORDERS AND OPINIONS IN EVERY CASE I HAVE IN THE UNITED STATES DISTRICT COURT IN MONTGOMERY, ALABAMA, BREAKING THE OATH OF OFFICE HE TOOK, COMMITTING A FELONY AND PERJURY, WITH THE IMPRESSION THAT HE CANNOT BE HELD ACCOUNTABLE FOR HIS ACTIONS...

CONCLUSION:

THEREFORE, WITH ALL OF THE ILLEGAL PROCEEDINGS INVOLVED IN THESE CASES, A STAY IS REQUIRED UNTIL ALL AVENUES HAVE BEEN FULLY EXAMINED BY THE UNITED STATES SUPREME COURT. THE ABOVE ARTICLES OF LAW MUST BE RESOLVED BEFORE ANY RULING OR FINAL ORDER FROM THE DISTRICT COURT IS GRANTED..

I HEREBY DECLARE, UNDER PENILITY OF PERJURY THAT ALL OF THE
INFORMATION PROVIDED IN THIS DOCUMENT IS TRUE TO THE BEST OF MY
KNOWLEDGE AND ACCORDING TO THE INFORMATION I HAVE RECEIVED..


GENE COGGINS

[illegible]

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